

IN THE SUPREME COURT OF THE UNITED
STATES.

Pullman's Palace Car Company,
Appellant,

vs.

Central Transportation Company,
Appellee.

October Term, 1895.

No. 922.

Record No. 16,212.

The Central Transportation Company, appellee, respectfully moves this Honorable Court to advance this case on the docket so that it can be heard at the present session.

FRANK P. PRICHARD,
JOHN G. JOHNSON,

For Appellee.

PETITION IN SUPPORT OF MOTION.

TO THE HONORABLE THE CHIEF JUSTICE AND ASSOCIATE
JUSTICES IN THE SUPREME COURT OF THE UNITED STATES:

The petition of the Central Transportation Company, appellee in the above case, respectfully represents:—

That there are special and peculiar circumstances attending this case which your petitioner desires to present to this court as grounds for a motion to advance the case and hear it at this term of court.

That the bill was filed in this case by the present appellant on the fifteenth day of April, 1887.

That the appellant was the lessee from the appellee of property which has been found by the Master and court in this

cause to be of the value of \$2,552,000, and was in the possession of this property at the time of the filing of the present bill.

That the said property constituted almost the entire assets of the appellee, and that the bill was filed by the appellant, *inter alia*, to have the court decree what compensation it should pay to the appellee for the retention and conversion of said property, it being alleged that the lease was invalid.

That the proceedings in this case have, without the fault of the appellee, been greatly protracted. A large amount of testimony has been taken, hearings have been had upon motions to withdraw the bill, upon demurrers to a cross bill, upon final hearing before reference to a Master and upon exceptions to the Master's report; so that it is now nearly ten years since the commencement of the proceedings, during all of which time the stockholders of the appellee, the Central Transportation Company, have been deprived of all income from the said property, while the appellant has had, and is continuing to have, the use of the same.

That there is involved in the present case a question as to the jurisdiction of this court upon appeal, which question has been submitted on briefs and has been postponed by this court for consideration until final hearing.

That another appeal has been taken by the present appellant to the Circuit Court of Appeals for the Third Circuit, the consideration of which has been postponed by that court until after the decision by this court of the questions raised upon this appeal.

That if this court shall decide, upon final hearing, that it has not jurisdiction to entertain the appeal, there will be a fresh delay before the case can be finally heard by the Circuit Court of Appeals for the Third District.

That the delay incident to legal proceedings has been such in this case as to work incalculable hardship upon the stockholders of appellee, and to amount in some cases almost to confiscation of property.

Under these circumstances the Central Transportation Company, appellee, respectfully prays this court to make an order

advancing the case on the docket, so that it can be heard at the present session.

And your petitioner will ever pray, &c.

CENTRAL TRANSPORTATION COMPANY,

BENJAMIN P. OBDYKE,

President.

[SEAL]

Attest :

F. WECKERLY,

Secretary.

CITY OF PHILADELPHIA, ss.

Frank Weckerly, being duly sworn, says: I am *Secy Treas* of the Central Transportation Company. The matters set forth in the foregoing petition are true to the best of my knowledge and belief.

FRANK WECKERLY.

Sworn and subscribed to before me, this nineteenth day of January, A. D. 1897.

GEORGE HOUSE,

Notary Public.

[SEAL]